

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

McCAFFERTY REALTY, LLC, AND CITRUS
GROUP ASSOCIATES, LLC, D/B/A LEMON
BAY REALTY

Plaintiff,

v.

Case No. 10-11964

Honorable Arthur J. Tarnow

WINDHAM/MAGNOLIA LANDING, LLC;
SHENGWEI-WINDHAM, LLC; AND HERBERT
LAWSON

Defendant.

_____ /

ORDER DISMISSING CASE

Before the Court is Plaintiffs' response [4] to the Court's show-cause order.

Plaintiffs' complaint alleges that Plaintiff McCafferty is a Florida limited liability company, Plaintiff Lemon Bay is a Florida limited liability company, Defendant Windham/Magnolia is a Michigan limited liability company, and Defendant Shengwei-Windham is a Michigan limited liability company.

In order to establish that federal jurisdiction on the basis of diversity of citizenship exists, this Court previously ordered Plaintiffs to allege the citizenship *of the members* of all limited liability companies that are parties. *See Delay v. Rosenthal Collins Group, L.L.C.*, 585 F.3d 1003, 1005 (6th Cir. 2009) (Plaintiff, an Ohio citizen, brought complaint alleging that Defendant was an Illinois limited liability company; Court ordered Plaintiff to "submit a jurisdictional statement identifying the citizenship of all" members of the limited liability company, as complete diversity "would be destroyed" if even one member of Defendant was an Ohio citizen). Plaintiffs' response fails to do so. Instead, it simply reiterates the above information that was already stated in their complaint. This Court is therefore unable to conclude at this time that

federal jurisdiction on the basis of diversity of citizenship lies.

Accordingly, the complaint is hereby **DISMISSED WITHOUT PREJUDICE** to Plaintiffs re-filing it within thirty days, properly alleging the citizenship of all parties.

SO ORDERED.

S/Arthur J. Tarnow
Arthur J. Tarnow
United States District Judge

Dated: June 7, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on June 7, 2010, by electronic and/or ordinary mail.

S/Catherine A. Pickles
Judicial Secretary